re they make such sacrifices they will do well to make cer n that the desired end will be attained.

Will Northern Whigs want the patriotism and courage to justice ' Will you justify before any forum the provision by which you want the patriotism and courage to justice ' Will you justify before any forum the provision. It is the first time in our history that the charges of an illegal imprisonment '
I have endeavored to consider this question of aggression of have the Wilm t proviso. It is not at all probable to claim to the content of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the power of Congress of the express abandonment of the man who wants money to pay the charges of an illegal imprisonment?

I have endeavored to consider this question of aggression of a State to protect the liberty of the meanest who renders her allegiance. If Massachusetts and the provision. It is the first time in our history that the charges of an illegal imprisonment?

I have endeavored to consider this question of aggression of aggression. It is the first time in our history that the charges of an illegal imprisonment?

I have endeavored to consider this question of aggression. It is the first time in our history that the charges of an illegal imprisonment?

I have endeavored to consider the man who wants money to pay the therm of the charges of an illegal imprisonment?

I have endeavored to consider the man wh just this question upon principles of justice? Will you you would rather have the Wilmot proviso? But you not have the Wilmot proviso. It is not at all probable at it could pass this House, and it is absolutely certain that would be rejected in the other. It is therefore idle to talk you the proviso. Will you say that it is better to wait—to nothing? Why so? If you approve the policy of the resident, as I believe in general you do, and as your contuents do—if you recognise the principle upon which that is founded—why not give effect to it now. Thus you of the North; but the clock gives me warming of the North; b

t would be the consequence? How long would it be s we should have a little more annexation—another can war? I prefer that the Wilmot proviso shall hang ended over Tamaulipas and Coahuils. If a source of nst our aggressions than any army that folly.

There is no danger that the North will But there are those who teach that the contract to delive

tates, would convert this Government into an instrument for

remity."
It is possible, however, that a measure may be presented me in such a form that I may be willing to exchange the a contract, swear to perform it, and receive ainty the ultimate condition of this territory as to slavery. Congressional prohibition of slavery only applies to the tered by many able lawyers and statesmen, and is knowledge and enforce it. nestion. For these reasons, I can see that the case is one hat allows an equivalent. It has also aspects in which such a question may be presented. It is in this light—the light of his bed and board.

I do not doubt, sir, that there are good men, strongly optionstitute proposed for the proviso, and I should look to get posed to slavery, and as strongly attached to the Union, and nd we Northern Whigs have been accused of inconsistency. the two doctrines is nevertheless very he doctrine of the President is, that they only have this enjoined upon us equally by reason and christianity.

was, that Congress ought to do nothing whatever with re- aggression from abroad." repealing a law prohibiting it, that I would as soon vote for the violation of the constitution.

to make rather a strong demand on his Northern Democratic friends. He called upon them to stand fast—to hold on to the faith; I did not, at first, perceive the necessity for so much urgency; but when he unfolded his plan, I was no longer surprised at the earnestness of his entreaties. He pro-New Mexico—not the disputed Territory merely, but the States to be censured for the occasional acts of individuals in whole country—to Texas. "Here," says the gentleman, enticing slaves from their masters. Such acts are usually South about this territory; let us compromise it. Let us tion is utterly out of the power of the latter.

But it is said that the Northern States have passed laws that ive the land to a mutual menu—texas as sort of univerhave made the constitutional provision referred to a nullity.

How is this? I will not undertake to justify all the laws that sal proprietor, like the Marquis of Carabas.

A few words on another topic. There are Southern gentle-

tional ultraism. Disdaining the further exercise of ingenuity, two remarks to make on this point. Th ly, has disurbed the equilibrium, and now "the equilibrium must be restored." What does this mean? It means, sim-

store the equilibrium is a strong passion among men. Modern justice of the peace in the United States (and there are severally restrain its excesses. But Macaulay tells us ral thousand of them in my own State alone) might, upon that one hundred and fifty or two bundred years ago, it was affiliavit taken either before him or any other justice, grant a

the bottom of it, namely, the preservation of an equality of power in at least one of the branches of the Government between the slaveholding and non slaveholding States, has govern d and continues to govern many. They strive and hops to gain their object by expedients suited to the emergency; a little annexation at one time; a Mexican or Span- provision that the constitution, and laws of Congress made in ish war at another; the division of a State at a third. This pursuance thereof, shall be the supreme law of the land, "any is the feature in this business that more than any thing else thing in the constitution and laws of any State to the contrary

alarms me with respect to the future.

When an occasion occurs for the accomplishment of such a purpose, there are those who do not hese at to resort to the most dangerous agitation. The South must be aroused; the fall.

-if you recognise the principle upon which that ded—why not give effect to it new? Thus you to consider, with some particularity, the alleged aggressions he imputation of an intended violation of faith, of the North; but the clock gives me warning that I shall

ad respect to the counsels of eminent citizens, themselves broad to the extension of slavery, but I am unconvinced. It begins to not propose to argue the question, but I will ladde to a ngle reason that has great weight in my mind. I fear that eSouth would regard the erection of a Territorial Government, is represented to this I cannot consent. If I could overcome my objections of this I cannot consent. If I could overcome my objections that will not be provise as an abandoment of the principle. The submidular tered his is not as ophistical trickster. He holds, I suppose, to the office we should here were admitted to the constitution service that he rejects its burdens. If I believed with Garrison admitted upon ber—no pelliation for offences against the constitution mas "in great weight in my mind. I fear that Garrison blends with his fanaticism a sense of justice; he is not a sophistical trickster. He holds, I suppose, to the old into the provise as an abandomment of the principle. The suppose of the constitution is reposented to the constitution of the provise, yet I will mever abandon it. Yhat would be the consequence? How long would it to the constitution maxin, "Give the devil his is doe." Certainly it has not entered his mind that we may adhere to the compact where it is disadvantation of the provision, yet I will mever abandon it. Yhat would be the consequence? How long would it were the situation of New Mexico is entired different. The amount of the provision is an application, and there was no conterminous State with which the constitution may a compact with hell," I should be to ontitude upon ber—no pelliation for offences against the constitution of New Mexico is entired. The amount of the provision, that the word of individual trickster. He holds, I suppose, to the old line to extend the constitution of New Mexico is entired. The amount of the provision of a Territorial Government, is represented to the situation of New Mexico is entired. The amount of the provision of the provision, yet I will be a ovise shall hang his mind, as to mine, the issue is, the constitution or no con-If a source of stitution, union or disunion. He chooses the latter alternad within the Union, it is conservative without. It is a tive. He is consistent in his madness; he is respectable in his

lexico could raise. There is no danger that the North will twolve us in a war for the acquisition of free territory; I do to desire that the South should do so to acquire more slave of desire that the South should do so to acquire more slave to the should and the state of the prohibitory power of Congress, then coupled with the Southern theory of the operation of the onstitution to carry slavery into all territories of the United to think it worthy of a very serious or respectful notice. It does not seem to me respectable. To my vision dishonest is stamped upon its face. In one of Pascal's Provincial letters traint. There is nothing that would make me consent to the question is raised whether one may honestly retain the uch a change in the character of our Government. I would imost borrow, to manifest my repugnance to it, the Southern anguage of "resistance at all hazards, and to the last exman he may do so, but otherwise not." I agree with the Jesuit upon the latter point. If the bargain be sinful, it is our business to refund the consideration money, proviso for an equivalent. Let me explain what I mean by stipulated price of our engagement, we cannot purge ourselves his. Do what we may, it is out of our power to fix with of wickedness by a violation of faith. The paths of righteous-

ness are not strewed with perjury.

I grant no new guaranties; I make no new compromises with slavery. I stand by those our fathers made. I stand itorial state. It is not so good in this respect as a prohibi-tion of slavery in a State constitution. I therefore prefer what has been termed the California proviso to the Wilmot pro-. I prefer it for another reason. There is no doubt avow his purpose, a skulking one if he deny it. I am for the power of a State to prohibit slavery, while we the Union, and consequently for the faithful discharge of all now that the power of Congress is seriously disputed. our constitutional duties; and as I hold this to be a paramount principle, I would not recognise any organization, nor predominant in half the States of the Union, is encountenance any party that should refuse expressly to ac-

been expressed by one of the judges | It is idle to sing praises to the Union and rail against the the Supreme Court : and I cannot, therefore, shut my constitution. That is no true worship. It is the constitution yes to the fact that there may be a degree of doubt as to the that makes the Union; they are inseparable. Neither car cision of the tribunal whose province it is to determine the we support the constitution by piecemeal—picking out the estion. For these reasons, I can see that the case is one parts that please us. As well might a man lecture his wife

g that, on the whole, was as good as what I gave.
who desire to discharge their obligations to God and to man,
been said that the doctrine of the President on this
who are disturbed with scruples as to their duties under this ion was the same as that maintained by General Cass in provision of the constitution. There is something strongly elast Presidential canvass—the doctrine of non-intervention; repugnant to their feelings in the arrest and surrender of a dwe Northern Whigs have been accused of inconsistency, being willing to support now what we then opposed. You such scruples. I think, however, that they have their origin, you please, the same phrase; but the partly in an error as to the character of the constitutional re quisition, and partly in a shallow philosophy, that confuses riking. The non-intervention of the President is non- the boundaries that separate the acts of which private constrention where none have ever pretended a right to inter- science is the guide from those which it falls within the proene-non-intervention in a State. The doctrine of General vince of Government to direct. If Governments be legitiht in forming a constitution for their government as a not a harder thing to surrender a fugitive slave than to hang ate. The dictrine of General Cass has the sanction of no an innocent man; yet where the question of guilt or innoeminent name in the nation except his own, and is contrary cence has been determined in accordance with the prescribed to the uniform practice of the Government. That of the resident is generally acknowledged by Northern and South- the law. Equally, in my opinion, is it the duty of a soldier m statesmen, and is in accordance with a practice equally to fight in battle, without subjecting to a preliminary review ment of his Govern or war. But in looking at the demands that are made by some wise, if every individual in the community were to sit in uthern gentlemen, the doctrine of non-intervention, pro- judgment on the acts of his Government, and to obey or disperly so called, seems to me to have undergone a change since obey, according to his notions of what the law ought to be, we the last Congress. The old doctrine, as I have understood should be exposed to anarchy at home, and undefended against

pect to slavery in the Territories. Now, however, we are I have chosen to speak very plainly upon this point. It is not a time when a public man can be excused in paltering to legal restraints; and that it admits, if it does not demand, a a vitiated sentiment, though having its origin in a benevolent repeal of prohibitory laws. All, it is said, that is asked is, impuise. The sworn defenders of the constitution have actual slavery may be carried wherever soil and climate will live as well as passive duties to perform. That power, greater ermit-in other words, we are not required to change the or less, over popular opinion, with which their trust invests laws of Nature, but only those of man. To my mind, sir, them, cannot be more usefully employed than in checking the he distinction is so shadowy between establishing slavery and growth of a belief that the laws of religion and morality enjoin

But in what has the North offended ! Is it in the admin The gentleman from Maryland, too, (Mr. McLaws,) has istation of the law? Have judges and jurors been false to given a new interpretation to "non-intervention." He is not the trusts imposed upon them? If this were so, the charge illiberal man, I know-far from it; but he appeared to me | would have been distinctly made, and we should have had is an unpleasant controversy between the North and the done in the slave, and not in the free States, and their preven-

A few words on another topic. There are Southern gentle-ien, bold navigators, who, passing the narrow seas of non-activention, have fairly reached the *Ultima Thule* of sectwist the old constitution to their purposes, they demand a no means true that all, ar nearly all, the Northern States have new one. Such have been the "aggress in of the North" that they must have new guaranties. There was a p riod, we are told, when the slaveholding and non-slaveholding in execution of the act of Congress. Particularly my own States, being equal in population were equal in power; but State, though often unjustly accused, has no such legislation the aggressive conduct of the North in increasing more rapid-upon her statute book. The second remark that I have to make relates to the circumstances under which these laws were enacted. They were passed in consequence, I will not say of the ply, that the popular representative character of our G. vern-ment must be changed, and that slavery must be in reduced a majority of the Judges of the Supreme Court of the United into it as an element of power, and a be ance to superiority o States, that the States have no power to legislate under the numbers. It does not appear to me to be necessary to do provision relating to the extradition of fugitive slaves; and that numbers. It does not appear to me to be necessary to do more than state the demand.

"The equilibrium must be restored!" I can understand the feeling that prompts the demand, without being able to assent to its reasonableness. Let us test it by an example. Suppose I should go to a wealthy and prosperous gentleman, and say to him, "Sir, my grandfather or great gran lfather," as the case might be, "had as good a property as yours; but I am now poor and you are rich; and, what is more, I find that I am daily growing poorer and you cicher. Sir, I demand that you restore the equilibrium." This desire to restore the equilibrium "This desire to restore the equilibrium as strong passion among seen. Modern mot considered disgracoful for a reduced gentleman to take a ride on Hounslow Heath to restore the equilibrium.

Extravagant as this demand is, and though there may be few who make it directly, and in the form of an amendment to the constitution, yet I fear that the principle which lies at the directly and in the form of the case, guardinary to the constitution, yet I fear that the principle which lies at of five hundred dollars. This is a plain statement of the case, which would suthorize any colured man to be carried, as a slave, out of the State of his residence; and any interference, by any judge or court, by habeas corpus or otherwise, might expose the person so interfering to a penalty of five hundred dollars. This is a plain statement of the case,

most dangerous agitation. The South must be aroused; the South must be united; aroused to believe those who would be their brothen their enemies; united at "all hazards" and for "the last extremities." What the present may fail to afford for complaint is made up by a rectial of the past. There is no statute of limitations; no recognition here of Jefferson's principle, that one generation is not lable for the debts of another; the sins of the fathers are visited upon the heads of the children; and you will even visit upon us (as witness the first article in the catalogue of offences, the ordinance of '87) the sins that your own fathers committed.

There is no statute of limitations; no recognition here of Jefferson's principle, that one generation is not lable for the debts of another; the sins of the fathers are visited upon the heads of the children; and you will even visit upon us (as without a spaced a law affecting free persons in Northern States, which we regard as unconstitutional law.

This Government could not long endure if there were no remedy for that evil. Our courts are open to every suitor; the individual to their decisions, a tribunal size below that is the final arbiter. No Northern State has ever refused obedience to its mandates. It is not so with at least one Southern State. South Carolina has passed a law affecting free persons in Northern States, which we regard as unconstitutional law. mance of '87) the sine that your own fathers committed.

The aggressions of the North! This is the cry with which our ears daily ring. The invasion by the North of the would submit her legislation to the test that the constitution for the demand, by some, of new guaranties; by

securing to the citizens of each State "all privileges and immunities of citizens in the several States;" if there were beand the destiny of Rome, he had already prepared for his enexpression of a regret that they had occurred. But I do not killing one Mexican! Oh, what a deed! Well, I grant

Resolved. That the Committee on Military Affairs be any officer of the army from assuming or exercising, within the limits of the United States, any civil power or authority not conferred by an act of Congress, and of providing an adequate punishment for such offences.

Mr. PRATT. The resolution of the honorable Senator prospective exclusively in its action and effect. Now, if the efficer to whom it was intended to have reference, has, without authority by law, or instructions from the Executive— which I understand is the case—been guilty of the offence of proclaiming himself civil governor of one of the Territories of this Union, and has, of his own authority, attempted to organize a government there, I think the inquiry should go further, and that the committee should report whether these are o means by which that officer can be punished for such an

offence. I merely make the suggestion.

Mr. CASS. Mr. President, I have no objection whatever to any change in this resolution, or to any addition to it which may be desired, so as to make it as broad in the scope of its nquiry as any member may wish. There is no act for the unishment of such an offence in our military code. The ules and articles of war were originally enacted during our revolutionary struggle, and they are now substantially what they were then. They neither foresee such an offence not provide for its punishment. I presume it never occurred t the framers of that code, that an officer of the American army would assume the high functions of civil government, the appointment of all officers, the direction of public affairs, and uld summon the people together by his own authority, to form a State constitution and Government. Like the law-givers of antiquity, not believing the offence possible, they neither provided for its prevention nor its punishment. Wh could have supposed that, in this day and in this country, such a spectacle of military assumption would have been ex-hibited? While the questions arising out of our Mexicon essions are occupying the hearts and thoughts of the American people, and engaging the attention of their Government while, indeed, they have been the great subject of considera tion during seven months of the session, presenting embar rassments never before known to our history, suddenly ar officer of the army appears in New Mexico, and, cutting the 'Gordian knot" we have been unable to untie, summons th people of New Mexico to form a State constitution, and ap-oly for admission into the Union. He casts aside or disregards all the difficulties which have so long perplexed us— the question of numbers, of races, of moral and intellectual condition, and of an unsettled boundary-and in true military style marches directly to his object. Well, sir, if we are prepared for this, we are prepared for any assumption of military authority which any officer of the army may choose to take upon himself, from a brevet second lieutenant to the ling general. The official title of this officer, as anwould retain his commission only till the facts of the case should reach the Government.

Mr. SEWARD. I have no objection to the passage this resolution, but it strikes me, to say the least, as exceedingly strange in its scope, and object, and character. It relates to the conduct of a military officer. I believe that there tried, and for which he can be punished. I believe also there s a power of impeachment which can reach such offenders. At the same time it is to be borne in mind that what is alleged to be an assumption on the part of the Governor of New Mex ico is not a novel transaction. The United States find them selves in a very extraordinary and peculiar situation in regard to the newly-acquired Territories. Congress failed to make any provision for their government. Some government must exist there. There is a military government residing in the ands of the Executive, which has been exercised by a sub ordinate military officer in California, as in New Mexico. It was an inevitable consequence of the conquest of these ter-ritories by armed power, and its continuance until civil power shall be in some way established is equally inevitable. have failed, and therefore it continues. I believe no one complained, or if any one complained, no steps were taken to cor rect a supposed evil, when the Governor of California assum the execution and discharge of civil duties. The assumption interregnum not to be endured. It was maintained under a previous Administration. It was maintained and acquiesced with regard to California. The Governor of New Mexico has done just what was done by the Gonernor of California no more, no less. And whilst I am perfectly willing that the subject shall go to the consideration of the committee, and that we shall have an opportunity to examine it on the report of that committee, I am not willing, for one, to imply by my silence that I deem there has been any thing in the conduct

Governor of New Mexico deserving of censure. Mr. CASS. I have not the slightest wish to prolong th discussion. I did not suppose that a single member of Congress, in this or the other wing of the Capitol, would object to h an inquiry; and therefore, on its introduction, I did not say a word in its explanation or support. I really thought that to do so would be to insult the patriotism and wisdom o the Senate. I am now compelled, however, to notice some of the observations of the Senator from New York, (Mr. Se. wann,) which seem to me exceedingly mispaced. The Senator, if I understood him, said that the military code punishes all military off nees-meaning, I suppose, that et he this is not a military effence, or that there is an adequate pun bment already to be found for it. But I have before said sir, that an act like this is a casus omissus in the penal code of our army; and I repeat that I do not suppose that it ever occurred to the framers of that code that an officer would convert himself into a civil and military governor, and assum the highest functions of government over extensive districts country. The Senator says the Executive has power to bring o punishment all military off nces. Mr. President, we have much safer security against the abuse of power than is to b found in the disposition of any Executive; and that security is in the jealous guardianship of their own liberties by th American people, and in the vigilant action of their represen tatives on the first appearance of an attempt to violate them I defy that Senator or any other to put his finger upon tha c'ause of the constitution or of the laws which justifis emotest degree, these starding proceedings in New Mexico With respect to California, the proceedings there were just as destitute of all real authority as those in New Mexico The proclimation of Gen. Riley, so far as respects any valid effect, was just as much a piece of waste paper as is that of Colonel Monroe. So far as it becomes a precedent, it has already produced its legitimate fruit; and how much further these mili ary assumptions may go, unless checked by our interposition, the most cursory examination of the history of

other nations will easily teach us.

The Senator from New York has seferred to my views, and stated his own, in relation to the right of American citizens to establish a Government for themselves, where none is established for them by competent authority. They have both the right and the ability to do this. I am not going to argue the question with any man, at this time and in this country, as to this right of providing a Government, and thus provid ing for the existence of life, liberty, and all the elements of social order. If the paramount Government, when there to one, do this, in the discharge of its proper duty, all is well f they do not, the people must take the matter into their own ands, and they would stand justified in the eyes of God and

The principal cause, I believe, of complaint arises from the alleged breach of our constitutional obligation with recourse: you cannot arrest it. Your constituents are processes you cannot arrest it. Your constituents are processes, the suit is in your power to do; they will not be satisfied others. They will not be satisfied of the constituents are processes, the suit is in your power to do; they will not be satisfied of the constituents are processes. They will not be satisfied of your affirmative votes for a practical measure, something to make the discussion of all the discussion of all the promised to deliver fightive elave to their masters. The poil of the fundamental law of our Government. It is not a pleasunt task; I might use stronger language. If the fundamental law of our Government. If is not a pleasunt task; I might use stronger language. If the fundamental law of our Government. If the Union; and their moral and intellectual condition is reabandon the humblest who dwell under our laws; and I say to you, in frankness, that it appears to me a less evil that a master should lose his slave than that a man born free should be reduced to slavery.

NEW MEXICO.

IN SENATE, SATURDAY, JUNE 29, 1850.

On motion by Mr. CASS, the Senate took up for consideration the following resolution, submitted by him on the 27th instant:

Union; and their moral and intellectual condition is represented to be such as would necessarily render our action requirements as would necessarily render our action would necessarily render our action very cautious in such a grave question. And, besides these difficulties, there is still another, growing out of the disputed boundary, with Texas. How it is possible to fix the cisputed boundary, with Texas. How it is possible of the orders of his superior officer. No, sir, martial law has wisely shielded him, and though arraigned, sides these difficulties, there is still another, growing out of the disputed boundary, with Texas. How it is possible officer for what he has done. It is necessary, then, to ascertionity should extend east of the Rio Grande, without the previous adjustment of this boundary line, I do not see. If we undertake to include the people east of that river within the population out of which the State is to be formed, we decide by that very act, so far as we can define the previous adjustment of this boundary line, I do not see. If we undertake to include the people east of that river within the population out of which the State is to be formed, we decide by that very act, so far as we can define the people and the period of the Executive—whether as a commanding generation the following resolution—against the State which I have the honor in Rio Grande: and thus we attempt to settle a question entirely beyond our jurisdiction. Now, all this this military of-ficer has decided, and, in effect, has arrested the action of warrantably assailed, traduced, and defamed by the present Congress, and superseded it by his own.

> nia. Congress, it is true, is now in session; but Congress had been in session for two terms, for the whole period of the 30th Congress, and had been occupied with the subject of providing a Government for California as well as New Mexico; and it was only during a recess of Congress that the peo-ple of California assembled and sent here a constitution. The whole difference, then, is, that Congress was actually in session in the one case, and had adjourned or taken a recess in other. The principle is precisely the same. The Sen- as commander of the army of occupation, and before one ator from Michigan says that it is the right of the people, when blow was struck, what does the Executive say in reference ther ten or ten thousand, to assemble, without a previous law, to form a government—so I understand him. He says there must be a beginning somewhere. I agree that it is their right to assemble, as they have once assembled; and I believe that nobody complained of it when they assembled in New Mexico, and, by their Covention, sent here an application for the establishment of a Territorial Government. Nobody objected to that application. It went for nothing; it amounted to your attention to the ne nothing, unless sanctioned by Congress. That is precisely what will happen in this case. The holding of another convention, and the framing of a constitution, are conditional, preliminary acts, inchoate acts, acts of no validity or force till sanctioned by Congress. Now, if the people have that right to assemble to frame a constitution, which the honorable Sen-ator concedes that they have, how is the transaction affected by the fact that the officer in charge of the Territory, under command of the President of the United States, sanctioned the worse for his assent and approbation. He had the sanc-tion of the precedent which had gone before in the case of California, and I hold that he was justified by the precedent. With regard to the danger of such a transaction, it amounts simply to this: The military governor of a Territory of the United States, instead of epposing the desire of the people to establish a constitution and procure admission into the Union, favors it : instead of insisting upon continuing the exercise of military power, he favors that constitutional, proper, and usual method by which the military is relieved from further power, and the people, in the customary form prescribed by the constitution, assume it to themselves. I see in this no cause of censure. The analogy to the passing of the Rubicon will be applicable when the military governor of the Territory, or the prefect, comes home to the Capitol, followed by his army, and of that transaction, so memorable in history, to apply it to a

Mr. CASS. Mr. President, I have but a few words to add, and then I will leave the subject to the Senate, and with perfect confidence in their decision. The Senator from New York (Mr. Sewand) seeks to justify this military and civil governor, as he calls himself, on the ground that his acts have been done in a good way, and for a good object. Now, sir, are rules and articles of war by which every possible offence. I am not to be driven from my purpose by any such reason-that can be committed by an officer of this character can be ling. It is the very reasoning adopted by the defenders of potism in all ages of the world. Have you not, they say, a good Government—a paternal Government—under which you are happy and prosperous? And who would exchange the right of self-government, and subject themselves to despotic authority, because the despot, in the chance of events, happens not to be as bad a one as is sometimes seen ? the principle involved in this subject which renders it so important. It is the total want of authority, from beginning to end. This officer had no more right to issue that proclamation than he had to issue one to the people of Virginia, calling them together to elect a King. And are we to be driven frem necessary inquiry, and proper legislative measures, to prevent the renewal of such a monstrous military assumption, by the assertion that this power was exercised for a good purpose? Away with such a doctrine! A large portion of the abuses that have afflicted the world have had their origin in such

With respect to California, I repeat that the proceedings of General Riley were absolutely void from beginning to end; was regarded as a consequence, a necessary consequence, of of General Riley were absolutely void from beginning to end; the investment of military authority, or else there would be an and no man here will venture to say they were not. But so far as respects the practical result in the formation of a consti-tution, that is a different question. That result does not de pend in the least possible degree upon the measures of General Riley. The people came together, and all that was then done was done by their authority. They formed their constitution, adopted it, and now present themselves for admission into the Union.

As the Senator from New York seems to have misunde stood my views, I will repeat that any portion of our people have a right, when left without a government—thrown like a waif upon the great political strand—have a right to establish one for themselves; and this is a point from which I am not to be driven, and which I don't intend to argue with any one. But I am far from saying or believing that in every such case they have a right to form a State Government, and to claim admission into the Union. That must depend upon the circumstances of their position, political, moral, and geograph ical, and upon the ultimate views of Congress. Certainly, with the information now before me, I believe that a Terri torial Government is the proper one for New Mexico, and that until the difficulties I have already enumerated are removed we cannot admit her into the Union. What subsequent information may bring about, I don't undertake to say.
Mr. HOUSTON. Mr. President-

Mr. FOO!E. I believe, sir, that I am entitled to the Soor, but I will yield it with great pleasure to the Senstor from Texas, p ovided I can do so without waiving my own right to it; if no', I wish to proceed.

The VICE PRESIDENT. The Chair does not suppose there is any power of transfer of the right to the floor, if the Senator does not claim it for himself.

Mr. DAVIS, of Massachu-etts. We will hear the Senator Mr. FOOTE. Very well then ; I yield the floor to the Mr. HALE. With the permission of the Senator from Texas, b fore he proceeds to address the Senate, I will offer

the following amendment to the resolution. I have no wish to say a word on it myself: " And that this said committee also inquire whether, at any

time since the commencement of the late war with Mexico, any orders have been issued by this, or the preceding Administration, conferring civil authority upon any officer o the army of the United States, to be exercised without the limits of the several States of the Union, and if so, by wh m and to whom, and by virtue of what laws were said orders issued." Mr. HOUSTON. I shall not vote for the amendment,

sir. I am perfectly willing to concede that orders were given, while we were in a state of war with Mexico, for the occupation of Territories, and perhaps of States, by military force , and that, of course their people were subjected to martial law. But, at the same time, while I concede that the circumstances of the case fully suther zed the occupation of this territory, at that time, by the suthernies of the United States, and that it was necessary for the proper conduct of the war against the enemy, I hold that this was not the case in a time of profound peace. During the war, the State authorities were not in a situation to give that security and protection to the citizens that they were previously enabled to do, and which the United States was then bound to do, and under the circumman. And I am as little disposed to enter into any argument respecting the capacity of the American people thus, by their own action, to provide for the very first wants of society. All pied by the forces of the United States, and placed under miliexperience has shown their power to de this. From the days tany government. Carifornia was also organized, and a military

munities of citizens in the several States;" if there were besides a provision for the arbitrament of differences; and if, under such circumstances, the conduct of South Carolina had been precisely what it has been under the constitution, it would have afforded a just, and, if persisted in, a sufficient cause of war.

We say little of this. We are condemned by many at home on account of our silence. I only refer to it now in the sides a provision for the arbitrament of differences; and if, under such circumstances, the conduct of South Carolina had been precisely what it has been under the constitution, it would have afforded a just, and, if persisted in, a sufficient cause of war.

With respect to California, I say again that Gen. Riley had not the slightest legal authority for what he did in summoning the people of that country to meet in convening the proceeding was a mere assumption of these circumstances, the conduct of South Carolina had been on the conduct of South Carolina had been on the conduct of South Carolina had been on the conduct of South Carolina had been outer to extend the conduct of South Carolina had been outer that they had occurred. But I do not the severe there are instances of criminal injustices and outrage so flagrant, committed on the rights of a State, I seek for no apology, and wish to find no occurs of propriety in this respect which would suggest a summoning the people of that country to meet in convening the proceeding was a mere assumption of these circumstances, I am bound at one to meet the occanow of the States, and of the Confederacy itself. Under the convening time of the states, and one to meet the occanow of the States, and of the Confederacy itself. Under the convening time of the states of the states of the states, and one to meet the occanow of the states, and of the Confederacy itself. Under the circumstance of criminal injustice are the sevent had not the state of the states of

part to represent. The people of that State have been un-warrantably assailed, traduced, and defamed by the present Executive of the nation when a general in the field. If I Mr. SEWARD. I am still at a loss to perceive the dif-ference between the case of New Mexico and that of Califor-to impute to any high functionary of this Government aught that was unworthy of his station, or of the high pos which he occupies; but, in this case, I am fully sustained in every word I say, as I will show by recourse to testimony stronger than the mere assertion of a political opponent, that will carry conviction to the mind of every candid man who is disposed to canvass or discuss truth when it is presented to

On the 29th of March, previous to the war with Mexico the other. It is six in the one case and half a dozen in the when he occupied a position on the banks of the Rio Grande, blow was struck, what does the Executive say in reference to the Texans? Not one of them, up to that hour, had ever been placed under his command; and not a solitary corps or individual of them had he then ever seen ranged under his banner; and yet what does he say of them? In reference to the critical position of the army, as he then sup-

"Under this state of things I must again and urgently call your attention to the necessity of speedily sending recruits to this army. The militia of Texas are so remote from the border that we cannot depend upon their aid." Sir, he has assumed the responsibility of defaming the character of men, who, to say the least of them, had never given the least occasion for such an imputation as this—men who would have rallied to his standard in a moment, if he had given the least intimation to them-men who would have perilled every thing in defence of their Territory-men who, in their recollection of former deeds, would have offered that proceeding? If good without his interference, it is none up libations of their heart's blood in vindication of the honor of the flag of that Union with which they had become incorporated, and to which the bright lustre of their own lone star that hesty and inconsiderate action of the population which had been added. Yet, he says the army was in a position has resulted in the handing over of the territory to a mere where it could not depend upon them! When, I ask, had they ever been inefficient or delinquent in time of peril, or recreant under his control, and now assumes to be the sovereign over in the hour of danger. Yet, here a high functionary of the this wide domain of Texas! Sir, if the military authorities Government, the head of its army, whose heart ought to have of the United States have a right thus to conduct themselves been filled with admiration of valorous deeds and ready to in that territory—a territory within the limits of what we been filled with admiration of valorous deeds and ready to award the tribute that is due to unconquerable valor, stigma have ever claimed, and which were recognised by all nations tizes the men of Texas as inefficient and unreliable in time of peril? Experience had never enabled him to judge of them, and was this, then, no manifestation of prejudice

Why, sir, two hundred and fifty Texan rangers, if he

had applied for them, would have repulsed any attempt that might have been made to cross the Rio Grande, and the song proceeds to expel the Senate or the Congress, and to subvert of peace would have been heard uninteruptedly until this day the constitution; but it strikes me as a strange misapplication on that border. Five hundred would more than have done it. Yet, instead of calling them to his aid according to his by the United States Government, and in good faith, if they commanding general. The official title of this officer, as an not that transaction, so memorate in instity, to apply the nounced by himself, is "civil and military governor of New Mexico." It reminds us of the palmiest days of Napoleon, when military rule swallowed up every other rule; but at when military rule swallowed up every other rule; but at of a prefect to the rank of private citizenship.

Of that transaction, so memorate in instity, to apply the nounced by himself, is "civil and military governor who resigns/his power altogether to the peomilitary governor who resign authority under the Government, he denounces them as unre- had discharged their duties, they ought to have settled the encountering them on equal terms, but they were restrained, been aware of this attempted curtailment of her limits, she and men unacquainted with Mexican warfare, lieut. colonels from the interior, were permitted to lead our troops through Texans were restrained or taken to the southern plains, there to meet, beneath burning suns, a lingering death by disease. But, fortunately, sir, this was not done until after new cause in which they were engaged. At Monterey, it was Texans who first took the plaza, the key of the victory. The Bishop's palace and heights too were taken by Texans, and Gillespie's monument stands there a record of their un-shrinking gallantly. But even these deeds were not sufficient to rescue them from obloquy and defamation. Even after that they were denounced and stigmatized as the veriest refuse of the community, and as a dishonor to the army. Is t strange then, sir, that a prejudice, thus so early and so strongly entertained, should extend now to the invasion of our constitutional rights? Is it strange that our civil rights should be no more respected now than was our military

haracter then ! No, sir, it is not strange. But I will read, for the information of the Senate and of he world, if it chooses to be concerned with matters of such ninor importance as encroachments upon the rights of Texas as a sovereign State, further evidence on this point. But, first, let me ask, was it from a normal condition, or after passing through a system of Territorial pupilage, that Texas became a sovereign State? No, sir. When Texas became a member of this Union, she stood upon the earth in the reat community of nations, and was herself a nation. And that sovereignty as a nation she has merged in this Union but to remain in it as an equal with its other members. I will now read an extract from a letter dated " Camp near

Monterey, for I regret to report that same shameful strocities have been perpetrated by Them."

What high encomiums are these in acknowledgment of varous and chivalric deeds! What encouragement to cheer eteran's heart! What encouragement to offer to the young and ardent patriot!

"One company of Texas foot volunteers, which has rendered excellent service in the campaign, is now on the march to Camargo, there to be mustered out of service."

One company you would suppose from this had done al that was commendable on the part of the Texan military.

One solitary company indeed had "rendered excellent service!" Where were the Texans at Monterey? They had ntire command of the city, and it was with difficulty after he flag had h en sent in, that they could be induced to suspend for one moment their active exertions in vindication of merican honor; to compel the instant capitulation or the estruction of be town. And for some time did they ponde before they ob-yed their superior orders. They had the B shops' palace and every fastness of the enemy, and elaced there the American banner in triumph, fl ating proudy, a victorious menace to those within the city. And yet, sir, of all this it is only said "one company rendered excel ent service !"

"It is deemed necessary to station a small force at Laredo on the east bank of the Rio Grands, for the purpose of protect-ting that frontier from Indian depredations, and enabling the Government of Texas to extend its jurisdiction with more fadity to the river."

"The jurisd ction of Texas," under the eye of the General extended to the Rio Grande, but, under the eye of the Executive, Texas has no rights upon that river. This, sir, i the persecution meted out to us srising from toese prejudices and which now seeks to inflect upon us the humiliating low of an infringement up n our State sovere guty.

There was another most extreo

mary letter written from Monterey on the 10th June, 1847 rom which I will read an extract : "Sir, I have ordered the muster of the company of m d Texas volunteers alluded to in my letter of June 8th. It is Major McCullegh's company has been discharged, and we have now five companies of Texas horse, the exact number laid down in your memora dum of April 26th.

"I'r gret to report that many of the twelve-months' volun-

peers, on their route hence, on the lower Rio Grande, have committed extensive depredations and outrages upon the peaceful inhabitants. There is searcely a form of crime that peaceful inhabitants. There is scarcely a torm of crime that has not been reported to me as committed by them; but they have possed beyond my reach, and even if they were here it would be found next to impossible to detect the individuals who thus disgrace their colors and their country. Were it possible to rouse the Mexican people to resistance, no more effectual plan could be devised than the very one pursued b ome of our volunteer regiments now about to be discha"The volunteers for the war, so far, give an earnest of

ter conduct, with the exception of the companies of Texas horse. Of the infantry, I have had little or no complaint; but the mounted men from Texas have scarcely made an expedition without unwarrantably killing a Mexican!"

What an strocity, sir !-killing a Mexican upon an expedition! Kill a Mexican! Monstrous in the face of day!
Kill a Mexican! Why, sir, we hear of no such complaints
when battalions fell at Monterey—I will not say how disposed severe punishment; but a spirit of justice would suggest a course of propriety in this respect which would punish the real offender, and have a moral influence on all around him. This

"I have, in consequence, ordered Major Chevallier's com-mand to Saltillo, where it can do less mischief than here, and where its services, moreover, are wanted."

"Where their services are wanted "-for what ' To "do mischief"—that is, to kill more than "one Mexican," I sup-pose. Is it not strange that he should send these men, whora he is unable to restrain and control in the face of a large army, to a place where there was none to control them and strain them from outrage on the Mexicans. Were "their services" wanted there for outrage and depredation or vere they sent there with a view of ascertaining whether new nptations would inspire with a stronger sense of duty

"The constant recurrence of such atrocities, which I have peen reluctant to report to the department, is my motive for requesting that no more troops may be sent to this column from the State of Texas."

"No more troops from the State of Texas." seen an incumbrance to him, one would suppose. Yet one of hem—the gallant and lamented Walker—was mainly instrunental in saving the army from disaster at Palo Alto. And McCullough—who, in the General's report of the battle of Buena Vista, was only mentioned as having done very wel -was designated as one of the spies sent on to Encarnacion, was also a Texan. Instead of saying in that report that acCullough gave him information at Encarnacion saved the army, he merely remarks that he was of great service on that occasion—or gave him information which was of great service. Yes, sir, it was McCullough who reconnoitered the enemy's camp, and possessed himself of the first in-formation of the advance of Santa Anna, and thus in time enabled our troops to fall back from Agua Nueva to Buena Vists, where the gallant defence was made.

Well, sir, does not all this look like a strong prejudice against the Texans? Would it not, from the evidence I have

produced, seem most unavoidably to be deduced that this prejudice existed even before he had any experience as to the character of her soldiery, and that it only increased with the services rendered by them to the Government and to the army? And, sir, are we now to have visited upon us further conseuences resulting from that prejudice ! Is the State of Texas, s a sovereignty, to succumb to the degradation of an infringement on her rights, on the subversion of her authority, and the infraction of her territorial limits' And is it expected that ve are to submit calmly to the infliction of such gross and unjustifiable wrong! Mr. President, there is a principle inolved in this matter which extends far beyond the temporary inconvenience imposed on Texas, or to the actual injustice which may be inflicted on her. It is a principle which lies at the very foundation of our Gover, ment—the subordination of the military to the civil power—and the subversion of which is the destruction of our liberties. Is a mere military officer to be allowed to interfere and prescribe to a sovereign State what shall constitute her territorial limits and boundary. In this case, the former President of the United States, who care billed in time of war temporary military agreements. stablished in time of war temporary military governments, ordered the government of the Territory to be surrendered to Texas as soon as peace terminated the war, or I have been isinformed; yet the present Executive has continued the military government, and has not surrendered the territory to Texas. Less than two years ago, the military authority, Col. Washington, expelled, or rather caused the ejection of the judicial officers of Texas from the territory; and now, when Cot. Neighbors had succeeded in re-organizing the counties where no military authorities were stationed, and went to Santa Fe. what was the consequence? There the military Governor avowed his resistance to the authority of Texas, and caused judge of the Kesrny code. And he, forsooth, has taken all previous to annexation-then they have a right to occupy our Capital, or to wrest Galveston from our occupation. That territory no more appertains to New Mexico than does any other spot within the limits of Texas. Yet Texas has not been compleining, nor has she manifested undue anxiety in demanding her rights from time to time. Years have passed by since she had a right to expect the settlement of her boundary. The territory to which it extended has been acquired And when at last they were called upon, what did boundary with the termination of the war, and said to Texas

would ever have become annexed to the Government of the United States? No, sir, no one can believe it even for a mothe dense chaparrals and jungles of Mexico, whilst the brave ment. Mexico would willingly have consented to recognise her as a separate Power, provided Texas would have consent to such a curtailment of her boundary. And is it to be expected that Texas will submit to such a violation of her rights as is manifestations of irresistible valor on their part, worthy of the here indicated? I ask the Senate, as Americans and as honorable men, if this were a question between the Government of the United States and Mexico as to boundary, is it believed that the United States would surrender one foot of this terri

tory '
Mr. CLAY. Will my friend pardon me, as the hour for the special order has arrived, for asking him to do us the favor to continue his eloquent speech on Monday, if it will be agree able to him? Mr. HOUSTON. Any thing that will advance the pub-

ic business I will yield to with pleasure-it will be no deprivation to me at ali. Mr. HALE, (in his seat.) But it will be a great depriva on the Senate.

The resolution was accordingly laid on the table

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